

# **UTAH APPRAISER LICENSING AND CERTIFICATION BOARD**

Heber M. Wells Building

Room 210

9:00 a.m.

September 28, 2016

## **MINUTES**

### **DIVISION STAFF PRESENT:**

Mark Fagergren, Education and Licensing Director

Justin Barney, Hearing Officer\*

Elizabeth Harris, Assistant Attorney General

Bruce Dibb, Administrative Law Judge

Amber Nielsen, Board Secretary

Kendelle Christiansen, Appraisal Licensing and Education

Jim Bolton, Investigator

### **BOARD MEMBERS PRESENT:**

John E. Ulibarri, II, Chair

Kristin Coleman-Nicholl, Vice Chair\*\*

Daniel Brammer, Board Member

Jim Bringhurst, Board Member

Jeffrey T. Morley, Board Member

### **PUBLIC MEMBERS:**

Matt Frentheway

Keven Ewell

\*Arrived at 9:16 a.m.

\*\*Arrived at 9:10 a.m.

The September 28, 2016 meeting of the Appraiser Licensing and Certification Board began at 9:05 a.m. with Chair Ulibarri conducting. Vice Chair Coleman-Nicholl was absent for the start of the meeting.

### **PLANNING AND ADMINISTRATIVE MATTERS**

Oath of Office - The Oath of Office was administered by Administrative Law Judge Bruce Dibb to Jeffrey T Morley.

### **Elections for New Officers for 2016-2017**

Nominations were accepted and voted on for the positions of Chair and Vice Chair. The new Chair will be Kristin Coleman-Nicholl, and the Vice Chair will be John E. Ulibarri, II.

In the absence of Chair Coleman-Nicholl, there is not a quorum to vote on the minutes. Chair Coleman-Nicholl arrived to the meeting. The meeting proceeded with Chair Coleman-Nicholl conducting.

Approval of Minutes – A motion was made and seconded to approve the minutes from the June 22, 2016 meeting as written. Vote: Chair Coleman-Nicholl, yes; Vice Chair Ulibarri, yes; Board Member Brammer, yes. The motion carries.

A motion was made and seconded to approve the minutes from the June 22, 2016 meeting as corrected. Vote: Chair Coleman-Nicholl, yes; Board Member Brammer, yes; Board Member Bringhurst, yes. The motion carries.

There is not a quorum for approval on the June 22, 2016 or the July 27, 2016 minutes. These will be reviewed when there are enough members present.

Public Comment Period – No public comment was made.

## **DIVISION REPORTS**

### **DIRECTOR'S REPORT – Mark Fagergren**

Director Stewart was taken ill and was not able to attend the meeting. Mr. Barney was delayed for family reasons this morning and is not yet at the meeting.

Chair Coleman-Nicholl mentioned Jeff Nielsen has left the Division. Mr. Fagergren remarked that at this time, there has not yet been a replacement announced.

### **ENFORCEMENT REPORT – Elizabeth Harris**

Ms. Harris reported in August the Division received 3 complaints; opened 8 new cases; closed 6 cases; leaving 42 appraisal cases open with the Division. There are a total of 18 cases are now with the AG's office.

### **EDUCATION AND LICENSING REPORT – Mark Fagergren**

Mr. Fagergren presented a concern from applicants regarding the time which is being taken to process an application to become a Licensed Appraiser. Due to the minimum time required for Appraiser Trainee experience before applying to become a Licensed Appraiser, the applicant must wait the twelve months prior to submitting the application to the Division. There was interest in submitting the application in advance of the twelve months to mitigate some of the processing time. Mr. Fagergren noted a lot of factors go into the length of the processing time. In 2015, the Division received 23 applications; from March 2016 to June 2016, the Division received 22 applications. Mr. Fagergren discussed the Division review process. Mr. Fagergren is seeking the Board's guidance on acceptance of early applications. The issue was discussed by the Board. The rules were reviewed to see if the rules require the full year prior to submission. It seems the

rule currently precludes submitting the application early. Mr. Barney stated there could be a pre-application process. The Board asked that the Division look at the administrative process and see if that would be feasible.

Mr. Fagergren announced the Instructor Development Workshop will be October 25th and 26th. Mr. Fagergren would like to have some Board Members present. The Board Meeting in October will be rescheduled to Thursday, October 27, 2016 at 9:00 a.m. if there are candidates or stipulations to consider.

#### **HEARING OFFICER REPORT – Justin Barney**

Mr. Barney discussed a minor change to the statutory amendment which would update the obligation to mail the notice of expiration to allow the Division to mail or email that notice.

Mr. Barney stated there were no licensing stipulations for review.

#### **EDUCATION AND LICENSING REPORT – Mark Fagergren**

Mr. Fagergren presented the lists for review.

##### **Certified and Licensed Appraiser Applicants Approved by both Education and Experience Review Committees:**

Warren Hutchison, CG Candidate  
Benjamin Lubbers, LA Candidate  
Douglas Woodruff, CG Candidate  
Devin Scott Wilkins, CR Candidate

##### **Disciplinary List**

Larry W. Foltz, Temporary CG Permit Applicant  
Joseph O'Brien, Appraiser Trainee Registrant

#### **BOARD AND INDUSTRY ISSUES**

Chair Coleman-Nicholl began the discussion on the AMC Rules Committee Regarding Panels and Assignments. Matt Frentheway and Keven Ewell from the Rules Committee were present at the meeting. The Rules Committee feels that most of the industry will accept the rule. Mr. Frentheway stated the members of the committee were Matt Frentheway, appraiser; Chair Coleman-Nicholl, Board Member; Dan Brammer, Board Member; Michael Jorgensen, AMC representative; Jeff Nielsen, Division Staff; Justin Barney, Division Staff; Keven Ewell, appraiser; Greg Bernstein, AMC representative. The committee discussed how an appraiser was removed from a panel; how assignments were offered and whether any restrictions should be imposed on the manner of offering assignments; and customary and reasonable fees. The committee met every two to the three weeks. Chair Coleman-Nicholl presented some additional changes regarding the disclosure of rank and tier system scores and if the rank and tier

model includes a “days” requirement that the days be considered “business days”. This proposal was discussed. Mr. Barney will draft language to reflect that proposal and the rule will be presented to the Board again next month. Mr. Barney thanked the members of the rules committee for their participation and all the time they put into this process. Mr. Frentheway and Mr. Ewell both stated it was a beneficial process and were grateful for the opportunity to be on the committee.

A motion was made to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. A motion was made to adjourn the meeting. Vote: Chair Coleman-Nicholl, yes; Vice Chair Ulibarri, yes; Board Member Brammer, yes; Board Member Bringhurst, yes; Board Member Morley, yes. The motion passes. The motion passes.

### **CLOSED TO PUBLIC**

An Executive Session was held from approximately 10:04 a.m. to 10:14 a.m.

### **OPEN TO PUBLIC**

#### **RESULTS OF EXECUTIVE SESSION**

##### **Certified and Licensed Appraiser Applicants Approved by both Education and Experience Review Committees:**

Warren Hutchison, CG Candidate – Approved  
Benjamin Lubbers, LA Candidate – Approved  
Douglas Woodruff, CG Candidate – Approved  
Devin Scott Wilkins, CR Candidate – Approved

##### **Disciplinary List**

Larry W. Foltz, Temporary CG Permit Applicant – Approved  
Joseph O’Brien, Appraiser Trainee Registrant – Approved

A motion was made to adjourn the meeting. Vote: Chair Coleman-Nicholl, yes; Vice Chair Ulibarri, yes; Board Member Brammer, yes; Board Member Bringhurst, yes; Board Member Morley, yes. The motion passes. The meeting adjourned at approximately 10:17 a.m.